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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,975	09/20/2001	Shinichi Kikuchi	P 283733 T4KM-01S0951-1	1919
909	7590	06/29/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/955,975	Applicant(s) KIKUCHI ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-4, 9 and 10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2-4, and 9-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed 04/13/2006, have been entered and made of record. Claims 2-4, 9 and 10 are pending. Claims 1 and 5-8 are cancelled.

***Response to Arguments***

2. Applicant's arguments filed 04/13/06 have been fully considered but they are not persuasive.

In re page 4, Applicant states "The Examiner alleges, on page 3, lines 7-9, that Murase et al. disclose that the specified audio language is utilized in recording or reproducing based on the second format, when the specified audio language set in said first format is applied to said second format, in column 15, line 56 through column 16, line 21 and in column 29, lines 35-48. However, A ATRO (audio stream 1 attributes) and A-ATRI (audio stream 2 attributes) are both defined in the same format, in particular the DVD-video Recording format. Accordingly, Murase et al. do not disclose or suggest recording or reproducing based on at least one of different first and second formats, as recited in claim 2. Murase et al. thus cannot anticipate or render obvious claim 2."

In response the Examiner respectfully disagrees. Murase discloses two audio streams, audio stream 1 and audio stream 2. In one example of Murase audio stream 1 is a single audio channel, monaural audio channel, and audio stream 2 comprises two audio channel, stereo audio signal or two monaural streams enabling a bilingual recording. Murase further discloses it is also possible to record only one of these two audio streams or to record no audio streams. Murase further discloses audio content is not limited to stereo, dual monaural, and monaural types. (See

col. 5 lines 27-49 col. 6 lines 132 and figures 41, 42 a, b, c and fig. 45. See also col. 29 lines 24-48).

In re page 4 the Applicant states "Claim 10 recites a digital recording/reproducing method in which an information medium for storing audio-visual information corresponding to a plurality of types of audio languages and sound mode information associated with these audio languages is used to perform recording or reproducing based on at least one of different first and second formats. As discussed above, Murase et al. do not disclose or suggest, at least, recording or reproducing based on at least one of different first and second formats. Therefore, Murase et al. cannot anticipate or render obvious claim 10."

In response the Examiner respectfully disagrees. Murase discloses in one example audio stream 2 contains a dual monaural area, and the stereo content might be commercial in a television broadcast and the dual monaural is Japanese and English (see col. 6 lines 13-21 and fig. 50). Murase further discloses audio stream contained in the VOB referenced from a cell contained in the corresponding program, and is generated and displaying using stream 1 and stream 2 (see col. 29 lines 23-48 and claim 1).

The claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made Final.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 2-4 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Murase (US Pat. No. 6,611,655).

Regarding claim 2, Murase discloses a digital recording/reproducing apparatus in which an information medium for storing audio-visual information corresponding to a plurality of types of audio languages and sound mode information associated with these audio languages is used to perform recording or reproducing based on at least one of different first and second formats (see fig. 13, 41-47, col. 14 line 30-col. 16 line 21 and col. 29 lines 23-41), said apparatus comprising:

a first judging section for judging whether said audio-visual information includes said plurality of types of audio languages (see fig. 48 and 49, col. 28 line 51-col. 29 line 9); and

a second judging section for judging whether a specified audio language set in said first format is applied to said second format, when said audio-visual information includes said plurality of types of audio languages (see col. 29 lines 10-34),

wherein the specified audio language is automatically utilized in recording or reproducing based on said second format, when the specified audio language set in said first format is applied to said second format (see col. 15 line 56-col. 16 line 21 and col. 29 lines 23-48 col. 30 lines 26-41 and claims 1 and 2).

Regarding claim 3, Murase discloses second format has predetermined management information, the management information includes one or more pieces of stream information, and said sound mode information is recorded in each stream information (see col. 16 lines 5-21 and claim 1).

Regarding claim 4, Murase discloses audio data portion of said audio-visual information is recorded in said information medium by a data unit having a predetermined header (see col. 2 lines 29-36 and col. 3 line 45-col. 4 line 5), and said apparatus further comprises:

a first section for judging a sound mode of said audio data to be recorded in said information medium (see col. 4 lines 23-29); and

a second section for setting said judged sound mode in the header of said data unit (see col. 6 lines 30-59).

Regarding claim 9, Murase discloses television broadcast in a recordable optical disc, or reproducing the audio-visual information from the recorded optical disc (see col. 10 lines 2-22, col. 14 lines 56-62, col. 15 lines 56-67 and col. 30 line 66-col. 31 line 3), said tuner comprising: a bilingual broadcast detector configured to detect whether said television broadcast is bilingual broadcast (see col. 14 line 40-50 and col. 15 lines 10-24);

a sound changeover section configured to select and output a sound of a language corresponding to a specified audio language via said bilingual broadcast, when said television broadcast is the bilingual broadcast and the specified audio language set in reproducing the sound from said recorded optical disc is followed (see col. 16 lines 1-21); and

a sound output section configured to output the sound included in the audio-visual information of the broadcast as it is, when said television broadcast is not the bilingual broadcast (see col. 15 line 51-col. 16 line 4).

Regarding claim 10, Murase discloses a digital recording/reproducing method in which an information medium for storing audio-visual information corresponding to a plurality of types of audio languages and sound mode information associated with these audio languages is used to

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perform recording or reproducing based on at least one of different first and second formats (see fig. 13 and 47, col. 14 line 30-col. 16 line 21, col. 29 lines 23-41, and col. 30 line 60-col. 31 line 3, see also rejection 1 above), said method comprising:

judging whether said audio-visual information includes said plurality of types of audio languages (see fig. 48 and 49, col. 28 line 51-col. 29 line 9);

judging whether a specified audio language set in said first format is applied to said second format when said audio-visual information includes said plurality of types of audio languages (see col. 29 lines 10-34); and

automatically utilizing the specified audio language in recording or reproducing based on said second format, when the specified audio language set in said first format is applied to said second format (see col. 15 line 56-col. 16 line 21 and col. 29 lines 35-48, see also rejection 1 above).

### ***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

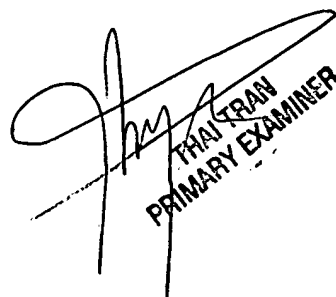
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
June 23, 2006



THAI Q. TRAN  
PRIMARY EXAMINER